

Message Text

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TO AMEMBASSY TEHRAN PRIORITY

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TAGS: TECH, IR, USIRJC

SUBJECT: DRAFT ATOMIC ENERGY AGREEMENT FOR COOPERATION

REF: PARIS 1949

1. USG RECOGNIZES THAT IN RECENT MEETING OF JOINT COMMITTEE ON NUCLEAR ENERGY AGREEMENT ON DRAFT WAS REACHED IN PRINCIPLE AND DEFINITIVE GOI REACTION OR ANY QUESTIONS TO BE FORTHCOMING. NOTING THAT SPECIFIC LANGUAGE OF THE TEXT WAS NOT DISCUSSED AND IN VIEW OF INTEREST EXPRESSED IN SIGNING AGREEMENT AT EARLY DATE, E.G., ON OCCASION OF JOINT COMMISSION MEETING IN MARCH, POINTS MADE BELOW SHOULD BE BROUGHT TO ATTENTION OF APPROPRAITE GOI OFFICIALS IMMEDIATELY.

2. ERDA, NOT USAEC, WILL OF COURSE BE A US PARTY. (TEXT WAS DRAFTED BEFORE REORGANIZATION TRANSITION DATE WAS ESTABLISHED). ACCORDINGLY, DEFINITION (1), ARTICLE I SHOULD READ "... INCLUDING UNCLASSIFIED

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THE ADMINISTRATION ON BEHALF OF..." AND DEFINITION (2) SHOULD

READ "'ADMINISTRATION' MEANS THE UNITED STATES ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION." FURTHER THROUGHOUT TEXT, "ADMINISTRATION" SHOULD REPLACE "COMMISSION" WHEREVER THE LATTER APPEARS.

3. IN REVIEWING THE TEXT IN LIGHT OF THE FOREGOING, IT WAS NOTICED THAT CERTAIN OTHER, STRAIGHTFORWARD CHANGES ARE NEEDED. THESE ARE DUE TO PROOFING OVERSIGHTS, E.G., TYPOGRAPHICAL ERRORS AND OMISSION OF WORDS STANDARD IN AGREEMENTS FOR COOPERATION. THE CHANGES ARE AS FOLLOWS:

(A) END OF PREAMBLE AND DEFINITION (13), ARTICLE I: CHANGE "AUGUST 1" TO "MARCH 18". (AUGUST 1 IS DATE OF AMENDMENT ENTRY INTO FORCE, NOT SIGNATURE).

(B) ARTICLE V: STANDARD WORDS INAVERTENTLY OMITTED. LATTER PART OF ARTICLE PARAGRAPH SHOULD READ "... THE RECEIVING PARTY, AND THE OTHER PARTY DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION AND DOES NOT WARRANT THE SUITABILITY OF SUCH INFORMATION, MATERIAL, EQUIPMENT, AND DEVICES FOR ANY PARTICULAR USE OR APPLICATION."

(C) ARTICLE VIII, PARA C: TOWARD END, "ALTERNATION" SHOULD BE "ALTERATION".

(D) ARTICLE XI, PARA B: IN BEGINNING PORTION, CORRECT SPELLING OF "NOTWITHSTANDING".

(
3) ARTICLE XI, SUBPARA B (2): IN BEGINNING PORTION, AFTER "... UNDER ITS JURISDICTION UNDER THIS AGREEMENT: ADD (STANDARD WORDS) "OR THE SUPERSEDED AGREEMENT"; THUS READS, "...UNDER ITS JURISDICTION UNDER THIS AGREEMENT OR THE SUPERSEDED AGREEMENT BY THE GOVERNMENT OF..."

(F) ARTICLE XII, A: AT BEGINNING OF SECOND SENTENCE ADD COMMA, I.E., "THE PARTIES,".

4. RE BLANKS IN ARTICLE IX AND XV:

(A) AS DISCUSSED AT MEETING, THE MEGAWATT FIGURE TO BE UNCLASSIFIED

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INSERTED IN ARTICLE IX WOULD NOT EXCEED 8,000 MWE GROSS. IRANIAN CONFIRMATION OF THIS FIGURE, OR INDICATION OF SUCH LESSER COVERAGE AS MIGHT BE DESIRED WOULD BE APPRECIATED.

(B) THE PERIOD TO BE REFLECTED IN ARTICLE XV MAY BE UP THROUGH 40 YEARS, PER ESTABLISHED POLICY FOR SUCH AGREEMENTS. USG WOULD APPRECIATE KNOWING GOI PREFERENCE THIS REGARD. (MANY US POWER AGREEMENTS HAVE 40-YEAR TERMS, BUT SOME HAVE LESS).

5. THE NECESSARY CHANGES AND NEED FOR INFO FOR ARTICLES IX AND XV ARE BROUGHT TO GOI ATTENTION AT THIS TIME TO FACILITATE MATTERS IN VIEW OF INTEREST IN EARLY SIGNING. IN ORDER FOR USG TO BE ABLE TO SIGN AN AGREEMENT FOR COOPERATION, CERTAIN STATUTORY REQUIREMENTS MUST BE OBSERVED: (A) A SPECIFIC TEXT AGREED TO ON AN AD-REFERENDUM BASIS MUST BE APPROVED FORMALLY BY THE ERDA ADMINISTRATOR AND DEPARTMENT; (B) THE APPROVED TEXT IS THEN INITIATED BY THE PARTIES, AT THE APPROPRIATE STAFF LEVEL, TO STABILIZE LANGUAGE; (C) THE INITIALED TEXT MUST BE SUBMITTED TO THE UNITED STATES PRESIDENT FOR HIS PERSONAL APPROVAL AND AUTHORIZATION FOR USG SIGNATURE; (D) TEXT IS SIGNED BY OTHER PARTY AND USG, USUALLY AT AMBASSADOR AND ASSISTANT SECRETARY AND ADMINISTRATOR LEVEL; (E) SIGNED TEXT MUST BE SUBMITTED TO THE CONGRESS FOR COMPLETION 60-DAY WAITING PERIOD (IF, DURING THIS PERIOD, BOTH HOUSES OBJECT BY CONCURRENT RESOLUTION, AGREEMENT MAY NOT BECOME EFFECTIVE), AND (F) PARTIES EXCHANGE ENTRY-INTO-FORCE NOTIFICATIONS CALLED FOR IN AGREEMENT (SEE ARTICLE XV).

6. 6. USG WOULD HOPE GOI AGREEMENT TO DRAFT TEXT WITH ABOVE CHANGES MAY BE FORTHCOMING AT EARLY DATE. IF THIS SEEMS POSSIBLE, USG WOULD SUGGEST THAT GOI PROVIDE APPROPRIATE AUTHORIZATION TO INITIAL, TO ITSS EMBASSY, WASHINGTON, AT EARLY DATE, SO THAT PROCEDURES MAY MOVE SMOOTHLY AND EXPEDITIOUSLY TO PERMIT SIGNATURE IN MARCH.

7. EMBASSY REQUESTED ADVISE ASAP RE GOI ACCEPTANCE DRAFT AGREEMENT WITH CHANGES OUTLINED ABOVE, PREFERRED MWE FIGURE AND PERIOD FOR AGREEMENT, AND GOI REQUIREMENTS FOR ENTRY INTO FORCE OF AGREEMENT. KISSINGER

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